

REMARKS

In the Office Action dated January 29, 2003, claims 1-17 were presented for examination. Claims 1-17 were rejected under 35 U.S.C. §102(e) as being unpatentable over *Zhang et al.*, U.S. Patent No. 6,119,160.

Applicant wishes to thank the Examiner for the careful and thorough review and action on the merits in this application. The following remarks are provided in support of the pending claims and responsive to the Office Action of January 29, 2003 for the pending application.

In the Office Action of January 29, 2003, the Examiner assigned to the application rejected claims 1-17 under 35 U.S.C. §102(e) as being anticipated by *Zhang et al.* ('160). *Zhang et al.* ('160) relates to a method for accounting for accessing the internet. More specifically, *Zhang et al.* allows the network service provider to create accounting records for tracking the following: initial network logon/logoff, service establishment/termination, and individual connection starts and stops to a specific service. Essentially, *Zhang et al.* accounts for both time duration and byte count for a specific event. See Col. 3, lines 22-29. Furthermore, as noted by the Examiner, the *Zhang et al.* discusses the prior art and the accounting practice of Internet Service Providers. The prior art disclosure in *Zhang et al.* bills the charging customers in accordance with the specific services which they access and the duration, byte count, or quantity of the connections to those service. See Col. 2, lines 5-7.

Applicant's invention functions on a different principle than that taught in either *Zhang et al.* or the noted prior art. The *Zhang et al.* patent accounts for time and byte count. The prior art discussed in *Zhang et al.* accounts for the service accessed together with the duration of the access, byte count, or a quantity of connections to a server. As noted in amended claim 1, Applicant's invention uses weighted records to determine an amount of usage by combining the number of uses as a function of webserver usage accessed by the user with the weight assigned to that function. Applicant does not account for duration of access to the function, a byte count associated with the function, or a quantity of connections to a server. There is no consideration

in *Zhang et al.* or the discussed prior art for an accounting associated with functions of a webserver and assigning a weight to the function. A score is determined based on the specific function utilized and the quantity of times the function is utilized. There is no consideration for a webserver function as the basis for an accounting in either *Zhang et al.* or the prior art discussed therein. Accordingly, *Zhang et al.* fails to teach assignment of a weight to a webserver function, wherein an accounting is produced in response to the function and the quantity of uses of the function.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)). As mentioned above, *Zhang et al.* does not show all of the elements as claimed by Applicant. Specifically, *Zhang et al.* does not suggest or teach accounting for functions associated with a webserver. Accordingly, *Zhang et al.* fails to teach all the claim limitations present in Applicant's claimed invention. Accordingly, removal of the rejection of claims 1-17 under 35 U.S.C. §102(e) as being anticipated by *Zhang et al.* ('160) is respectfully requested.

In view of the forgoing amendments and remarks, it is submitted that all of the claims remaining in the application are now in condition for allowance and such action is respectfully requested. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

Finally, Applicant wishes to note that Applicant is submitting herewith an Associate Power of Attorney for Applicant's Legal Counsel, and respectfully requests that the attached Associate Power of Attorney be entered into the records of the application.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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